

From: Karen TRAEGER
To: [Cora, Lori](#)
Cc: [Ebright, Stephanie](#)
Subject: Portland Harbor - Pre-RD Sampling; EPA's Revised AOC
Date: Wednesday, August 23, 2017 4:57:26 PM
Attachments: [PH AOC - Pre-RD Group's 8-23-17 Redline.docx](#)

Hi Lori & Stephanie:

Following up on the e-mails below and your conversation today with Loren and David, please find attached the Group's responses to EPA's revised AOC. Thanks.

From: Cora, Lori [<mailto:Cora.Lori@epa.gov>]
Sent: Tuesday, August 22, 2017 4:22 PM
To: Karen TRAEGER
Cc: Ebright, Stephanie
Subject: RE: Portland Harbor - Pre-RD Sampling; EPA's Revised AOC/SOW and Table 1

Karen: We appreciate getting your schedule for response, but we really need to know what the "areas of disagreement" are. Would you please send us the list of areas of disagreement? Thanks.

Lori Houck Cora | Assistant Regional Counsel
U.S. Environmental Protection Agency | Region 10
P: (206) 553.1115 | F: (206) 553.1762 | cora.lori@epa.gov

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From: Karen TRAEGER [<mailto:karen.traeger@external.total.com>]
Sent: Tuesday, August 22, 2017 3:05 PM
To: Cora, Lori <Cora.Lori@epa.gov>
Cc: Ebright, Stephanie <EBRIGHT.STEPHANIE@EPA.GOV>
Subject: RE: Portland Harbor - Pre-RD Sampling; EPA's Revised AOC/SOW and Table 1

Hi Lori:

We appreciate the SCORPIOS report. As to the AOC/SOW and Table 1, there are still areas of disagreement. The Group expects to have responses on EPA's revised AOC/SOW to you on Thursday and a draft Work Plan to Sean on Friday. Thanks.

Karen E. Traeger
Legacy Site Services LLC, agent for Arkema Inc.
PH 303-741-0426
karen.traeger@total.com

From: Cora, Lori [<mailto:Cora.Lori@epa.gov>]

Sent: Tuesday, August 22, 2017 9:32 AM

To: Karen TRAEGER; Ebright, Stephanie; Cora, Lori

Subject: RE: Portland Harbor - Pre-RD Sampling; EPA's Revised AOC/SOW and Table 1

Hello, Karen. Attached is the SCORPIOS report detailing where the past costs were incurred. We do not typically assemble supporting documentation with the report. That would take 4 or more weeks to assemble. As the report indicates, no tribal grant funds were billed to this account. The bulk of the costs are EPA employee time and contractor work in preparing EPA's sampling plan. The costs end as of July 6 so do not include any negotiation time. If your group has any other specific questions about the costs, please let us know and we will attempt to get the answers to you.

We are disappointed to hear that we will not hear today if we have agreement in principle. It is very important to EPA management to know if the scope of work has been resolved. Can we hear from the group on Table 1 today?

Lori Houck Cora | Assistant Regional Counsel
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From: Karen TRAEGER [<mailto:karen.traeger@external.total.com>]

Sent: Monday, August 21, 2017 6:42 PM

To: Ebright, Stephanie <EBRIGHT.STEPHANIE@EPA.GOV>; Cora, Lori <Cora.Lori@epa.gov>

Subject: Portland Harbor - Pre-RD Sampling; EPA's Revised AOC/SOW and Table 1

Importance: High

Hi Lori and Stephanie:

Thank you for EPA's revised AOC/SOW and Table 1. For our review, it would be helpful to the Group to have the backup documentation/cost detail for EPA's Past Response Costs totaling \$269,355.

The Group is diligently reviewing the revised AOC/SOW/Table 1 and will be back with you shortly, but not by the requested COB Tuesday. Thank you and feel free to contact me with any questions.

Karen E. Traeger
Legacy Site Services LLC, agent for Arkema Inc.
PH 303-741-0426
karen.traeger@total.com

From: Cora, Lori

Sent: Friday, August 18, 2017 3:20 PM

To: Loren R. Dunn <LDunn@bdlaw.com>; Weber, David

Cc: Ebright, Stephanie <EBRIGHT.STEPHANIE@EPA.GOV>; Sheldrake, Sean <sheldrake.sean@epa.gov>; Zhen, Davis <Zhen.Davis@epa.gov>
Subject: Portland Harbor - Pre-RD Sampling; EPA's Revised AOC/SOW and Table 1

Dear Loren and David:

The EPA team appreciates the great discussion we had yesterday and believe we are very close to agreement on the scope of work and AOC for pre-remedial design sampling. As we discussed, I am forwarding EPA's response to the Pre-RD Group's proposed revisions to the AOC and SOW. Redlining in the AOC reflects changes EPA is making to our original draft sent to the Group on July 6. In addition to changes by the Group we are accepting, there are new proposed changes by EPA, such as the dispute resolution provision and reservation of claims language. Please be aware that the proposed revisions to Sections 19 and 21 have not received final DOJ management approval. We will notify you immediately once we have that approval or any changes needed.

The SOW changes reflect some of the Group's proposed changes, but also changes that we believe are consistent with the negotiations to date. Along with the AOC and SOW, we are also sending Table 1 that we discussed yesterday (minus Columns 2,3, and 4) which in more detail reflects the agreements on the scope of work and reporting requirements, which would be attached to the SOW.

As we indicated yesterday, EPA senior management desires agreement in principal by early next week. We understand there are a couple items EPA needs to get back to you with, which we will attempt to do by COB Monday. Therefore, EPA wants to hear from the Group if we have agreement on the scope of work and on significant legal issues by COB Tuesday.

Thank you and let me or Stephanie know if you have questions about this email or any of the attachments.

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